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PATENT APPLICATION  
Docket No: 13914.889

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Dalebout et al.	)	
	)	
Serial No.:	)	Art Unit
10/649,318	)	3764
Filed:	)	
August 27, 2003	)	
Confirmation No.:	)	
4579	)	
For:	)	
EXERCISE DEVICE WITH ELONGATE	)	
FLEXIBLE MEMBER	)	

## TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

☒ Form PTO-1449 listing 1 reference submitted for consideration.

☐ Copies of the required ☐ references listed on the Form PTO-1449.

☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.

☐ Copies of the following documents from the prosecution of a previous, related application:

☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

☐ Promptness Certification; or

☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

☐ Promptness Certificate;

☐ Petition for Consideration; and

☐ Check No. in the amount of \$  constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. \_\_\_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_\_\_ Petition to Withdraw from Issue; and

\_\_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 20 day of August, 2004.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166  
**Customer No. 022913**  
Telephone No. (801) 533-9800



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		)	3764
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For:	EXERCISE DEVICE WITH ELONGATE	)	
	FLEXIBLE MEMBER	)	

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20 day of August, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.) (in duplicate)
- Information Disclosure Statement (3 pgs.)
- Form PTO-1449 (1 pg.)
- Postcard

Respectfully submitted,

Linda Clark, Assistant to  
David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166  
**Customer No. 022913**  
Telephone No. (801) 533-9800



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 20 day of August, 2004.

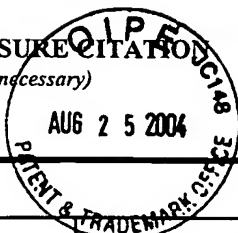
Respectfully submitted,



David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166  
**Customer No. 022913**  
Telephone No. (801) 533-9800

DBD/lrc  
LC0000001503V001

**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)



Docket Number (Optional) <b>13914.889</b>		Application Number <b>10/649,318</b>	
Applicant(s) <b>Dalebout, et al.</b>			
Filing Date <b>August 27, 2003</b>		Group Art Unit <b>3764</b>	

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	6,740,008 B1	5/2004	Ho, et al.	482	34	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.